

EIGHTEENTH DAY

(Thursday, February 10, 1949)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Morris.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 24, Granting each House permission to adjourn from Thursday, February 10, 1949, until Monday, February 14, 1949.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Reports of Standing Committees

Senator Corbin submitted the following reports:

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 114, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 160, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 188, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Senator Jones submitted the following reports:

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 92, instructs me to report it back to the Senate with the recommendation that it do pass and be printed, with amendment.

JONES, Chairman.

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom

was referred S. B. No. 212, instructs me to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
February 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 189, instructs me to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
February 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 58, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

LANE, Chairman.

Austin, Texas,
February 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 55, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
February 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 185, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
February 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred S. B. No. 186, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
February 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 112, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Message From the Governor

The President pro tempore laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
February 7, 1949.

To the Members of the 51st

Legislature:

I am advised that the Court of Civil Appeals for the Third Supreme Judicial District is faced with a serious situation, in view of the fact that retiring Judges have removed their personal libraries and furniture, and that essential material for the library must now be purchased.

This seems to be a situation which must be corrected at once and I am complying with the request of the Court that I submit the subject for emergency legislation under authority of Section 5 of Article 3 of the Constitution. The amount of money involved is \$3,500.00.

Respectfully submitted,

BEAUFORD H. JESTER,
Governor of Texas.

House Concurrent Resolution 24

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 24, Granting each House permission to adjourn from Thursday, February 10, 1949, until Monday, February 14, 1949.

The resolution was read and was adopted.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred to the committees indicated:

By Senator Bell:

S. B. No. 221, A bill to be entitled "An Act providing that any political party whose members believe in or advocate the principles or teachings of Communism, or who propose or advocate the overthrow of the Constitutional government of the United States by force shall not be permitted to have the name of any such party printed or placed on the official ballot at any General Election hereafter, to be held in this State, and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Proffer:

S. B. No. 222, A bill to be entitled "An Act granting the consent of the State of Texas to the acquisition by the United States of land in the State needed for programs and works of improvement in the interest of flood control and declaring an emergency."

To Committee on State Affairs.

By Senator Kelly of Tarrant:

S. B. No. 223, A bill to be entitled "An Act providing for a secret ballot in all elections in Texas; amending Art. 2980, Title 50, Ch. 6, of R. C. S. of Texas, 1925, as amended, providing for the form of ballot; amending Art. 3008, Title 50, Ch. 8, of R. C. S. of Texas, 1925, providing for the delivery of ballots; amending Art. 3012, Title 50, Ch. 8, of R. C. S. of Texas, 1925, providing for the depositing of ballots; amending Art. 3109, Title 50, Ch. 13, of R. C. S. of Texas, 1925, providing for balloting for primaries; amending Art. 3122, Title 50, Ch. 13, of R. C. S. of Texas, 1925, providing for precaution against fraud; providing that the provisions of this Act shall also be applicable to absentee voting; excepting the provisions of this Act from elections in which voting machines are used; providing for a savings clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

To Committee on State Affairs.

By Senator Moore:

S. B. No. 224, A bill to be entitled

"An Act to amend Subdivision 85 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 85th District Court in Robertson and Brazos Counties, constituting the 85th Judicial District, providing that said District Court shall have and exercise original and appellate jurisdiction in all civil and criminal matters and causes over which the County Courts of Robertson and Brazos Counties have original and appellate jurisdiction, providing that the regularly elected County Attorneys of Robertson and of Brazos Counties, constituting the 85th Judicial District of Texas, shall perform the duties of District Attorneys in their respective counties, validating processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of Court in said Counties and District, as herein fixed; to validate the summoning of grand and petit juries under this Act; providing for apportionment of reporter's salary; that all laws and parts of laws in conflict with this Act are repealed; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Cousins:

S. B. No. 225, A bill to be entitled "An Act to provide a more adequate water code for Texas by consolidating, revising and implementing the laws relating to the appropriation, distribution and use of the State's water resources; providing that prior proceedings shall not be affected; defining certain words and phrases as used in Act; declaring a State policy; declaring the waters of the State the property of the people of the State; authorizing their appropriation, storage and diversion for beneficial uses; limiting the right to the waters of the State to beneficial uses; providing that vested rights shall not be impaired; preserving vested riparian rights; prescribing priority of appropriation and superiority of uses; perpetuating the State Board of Water Engineers; and prescribing its powers and duties; providing for the appointment of a State Water Engineer; defining water rights and prescribing the method of acquiring; perfecting and preserving same; requiring applications to be made to the State Board of Water Engineers for permits to construct storage, diversion and distribution works,

and prescribing the method thereof; declaring forfeiture of abandoned water rights; prescribing procedure for cancellation of abandoned and unused water rights; providing procedure for the determination of water rights; authorizing appeals from the decisions of the State Board of Water Engineers; prescribing the method of serving notice on claimants and appropriators of water; authorizing the issuance of certificates of appropriation and certificates of adjudication; providing for the appointment of water masters and assistant water masters on adjudicated streams; and prescribing their powers and duties; dividing the State into water divisions and providing water districts; conferring the right of eminent domain; providing for appropriations for future municipal use; prescribing penalties for violation of the provisions of this Act; requiring the making of annual reports to the Board of Water Engineers; requiring the control of flowing artesian wells; authorizing the chartering of corporations to construct and operate water works; authorizing contracts for the supply and delivery of water, and creating liens to secure payment thereof; repealing Articles 7466 to 7621, both inclusive, Title 128, Vernon's Revised Civil Statutes of Texas, 1948, excepting Articles 7466a, 7466b, 7466c, 7466d, 7466e, 7466e-1, 7466f, 7466f-1, and 7467a; providing a saving clause and declaring an emergency."

To Committee on Water Rights, Irrigation and Drainage.

Senate Concurrent Resolution 15

Senator Bracewell offered the following resolution:

S. C. R. No. 15, Expressing the admiration of the Legislature to the Republic of Mexico, the United States and the officials of both countries for their achievements in the eradication of the foot and mouth disease.

Whereas, The campaign to eradicate foot-and-mouth disease from the Republic of Mexico and prevent the spread of this terrible livestock scourge in Mexico and the United States of America has demanded skill and effort unparalleled in the disease-control history of the world; and

Whereas, Foot-and-mouth disease, uncontrolled, would wreak disaster in

the \$600,000,000 Texas livestock industry, comprising 10,000,000 cattle, 8,000,000 sheep, 3,500,000 goats, and 2,000,000 hogs, and in addition cause great damage to our wildlife, restrict commercial movements through quarantine, and severely cripple the economy of our State; and

Whereas, The act of the Republic of Mexico in inviting the United States of America to joint effort in the fight to control foot-and-mouth disease was one of magnificent generosity, and one which serves as an example of the increasing understanding and cooperation which so happily mark the relations between our two Republics; and

Whereas, The intelligent vision, untiring energy, and enthusiastic cooperation applied to this gigantic undertaking by Lic. Oscar Flores, director of the campaign and Undersecretary of Agriculture of the Republic of Mexico, and General Harry H. Johnson, co-director and Assistant to the Secretary of Agriculture of the United States of America, have been in large measure responsible for the steady control of foot-and-mouth disease in Mexico, thereby preventing its extension not only to Texas but throughout the United States of America; and

Whereas, The whole-hearted and inspiring cooperation between Lic. Oscar Flores and General Johnson exemplifies the sincere, determined teamwork of our two Governments and peoples in the battle to eliminate foot-and-mouth disease from our Continent; now therefore be it

Resolved, By the Senate, the House of Representatives concurring: That the legislature of Texas expresses its high admiration and sincere appreciation to the Republic of Mexico, the United States of America, Charles F. Brannan of the United States, Secretary of Agriculture, Secretary of Agriculture Senor Ortiz Garza of Mexico, Lic. Flores, General Johnson, and all foot-and-mouth workers of both of our Nations, for their magnificent achievements.

The resolution was read.

On motion of Senator Bracewell and by unanimous consent, the resolution was considered immediately and was adopted.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 10, 1949

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 23—Resolution in memory of Mr. W. A. Loving.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 41

Senator Kelly of Tarrant offered the following resolution:

Whereas, Miss Priscilla Harris, the charming Sweetheart of the 50th Senate is in the Capitol today with her father and mother, Sen. and Mrs. Fred Red Harris, and

Whereas, We desire to extend our hearty and loving welcome to her, now therefore be it

Resolved, By the Senate of Texas, that we extend to Prissy Harris our loving greetings today.

The resolution was read and was adopted.

Senate Concurrent Resolution 10

The President pro tempore laid before the Senate for consideration at this time:

S. C. R. No. 10, Authorizing the State Board of Control to enter into a contract with the San Jacinto Museum of History Association for the continuance of the museum until otherwise provided for by the Legislature.

The resolution was read and was adopted.

Committee Substitute Senate Bill 19 on Third Reading

The President pro tempore laid before the Senate on its third reading and final passage:

C.S.S.B. No. 19, A bill to be entitled "An Act appropriating Three Million Dollars (\$3,000,000.00) as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 295 of the Acts of the Regular Session of the Fiftieth Legislature;

providing that the funds herein appropriated are to be used to supplement payments for salary aid for the first year of the current biennium 1947-1948 and for no other purpose; provided that the funds herein appropriated under the provisions of this Act and under the terms and conditions and in the manner provided in the regular appropriation for salary aid in House Bill No. 295; providing that the funds appropriated for salary aid in House Bill No. 295 and in this Bill are to be in full and complete payment of any claim for salary aid for the first year of the biennium 1947-1948; providing applications for aid under this Act shall have been eligible under the provisions of Bill No. 295 and on file with the State Department of Education and Legislative Accountant prior to the passage of this Act; appropriating an additional sum of Six Million Dollars (\$6,000,000.00) or so much thereof as may be necessary to supplement the appropriation made for salary aid for 1948-1949 etc., and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Jones
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Hazlewood	Shofner
Kelley of Hidalgo	Strauss
Lane	Taylor
Lock	Tynan
Martin	Vick
McDonald	

Nays—7

Ashley	Hudson
Cousins	Kelly of Tarrant
Hardeman	Weinert
Harris	

Absent—Excused

Carney

Reason For Votes

We voted "no" on the final passage of S. B. 19 because in our opinion ART. III, Secs. 44, 49, and 50 of the Constitution of Texas were violated by the passage of the bill in that "The Legislature shall not grant

extra compensation to any officer, agent, servant or public contractor after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual on a claim, real or pretended, when the same shall not have been provided for by pre-existing law."

HARRIS
ASHLEY
HUDSON
KELLY of Tarrant

Senate Bill No. 65 on Second Reading

Senator Cousins moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 65 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 65, A bill to be entitled "An Act relating to the County Court of Jefferson County At Law; amending Acts 1919, Chapter 27, Section 4, the same being Article 1970-114, Revised Civil Statutes of Texas, 1925, with reference to the terms of said Court; amending Acts 1919, Chapter 27, Section 5, same being Article 1970-115, Revised Civil Statutes of Texas, 1925, with reference to the election, tenure and qualifications of the Judge of said Court; amending Acts 1937, Chapter 377, Section 1, same being

Article 1970-122, Revised Civil Statutes of Texas, 1925, with reference to the salary of the Judge of said Court; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 65 on Third Reading

Senator Cousins moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 65 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

Senate Bill 115 Set as Special Order

Senator Taylor moved that Senate Bill No. 115 be set as a special order for Tuesday, February 15, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Weinert

Nays—6

Hardeman	Phillips
Kelley of Hidalgo	Shofner
Kelly of Tarrant	Vick

Absent—Excused

Carney

Senate Bill No. 102 on Second Reading

Senator Bullock moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 102 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 102, A bill to be entitled "An Act validating independent school districts which have been enlarged by consolidations with other districts and by orders of county boards of school trustees, and whose boundaries have been defined by orders passed by the county board of school trustees of the county in which the principal school of the independent district is situated; validating orders passed by commissioners' courts and county boards of school trustees making such districts; validating elections held by such districts for maintenance taxes, assumption of outstanding bonds, and the issuance of bonds; and declaring an emergency."

The bill was read second time.

(Senator Harris in the Chair)

Senator Bullock offered the following committee amendment to the bill:

(1)

Amend Senate Bill 102 by adding a new section following Section 2 to be numbered Section 3 and renumbering subsequent sections accordingly, said new section to read as follows:

"Section 3. This Act shall not apply to any district which on the effective date of this Act is involved in litigation which questions the creation, annexation or consolidation of such a district, or the election for the purpose of creating, annexing or consolidating such a district."

Senator Bell offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to Senate Bill 102 by striking out the sentence after the word and figure "Section 3" and insert in lieu thereof the following:

"This Act shall not apply to any district which on the effective date of this Act is involved in litigation which questions the legality of the formation or creation of such district, or the validity of the election for the purpose of forming or creation of such district, or the validity of the acts of persons purporting to be the trustees thereof, or the validity of any elections subsequent to the purported formation or creation of such district for purpose of assumption of indebtedness or levy of special main-

tenance taxes; nor shall this Act have the effect of validating any of such districts, elections, or proceedings in the event the Courts shall hold them to be illegal or invalid under the general laws; nor shall this Act be construed as authorizing for the future the formation of County-Line Rural High School Districts with legal status of strict independent school districts."

The amendment to the committee amendment was adopted.

The committee amendment as amended was then adopted.

S. B. No. 102 was then passed to engrossment.

Senate Bill No. 102 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 102 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Ashley	Cousins
Bell	Hardeman
Bracewell	Harris
Bullock	Hazlewood
Colson	Hudson
Corbin	Jones

Kelley of Hidalgo	Phillips
Kelly of Tarrant	Proffer
Lane	Shofner
Lock	Strauss
Martin	Taylor
McDonald	Tynan
Moore	Vick
Morris	Weinert

Nays—2

Aikin

Moffett

Absent—Excused

Carney

Senate Bill No. 56 on Second Reading

On motion of Senator Corbin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 56, A bill to be entitled "An Act creating a special road law for Martin County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of February 1, 1949, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding and refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

(President pro tempore in the Chair.)

Senate Bill No. 56 on Third Reading

Senator Corbin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 56 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bell
Ashley	Bracewell

Bullock	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Weinert

Absent—Excused

Carney

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

Senate Bill No. 52 on Second Reading

Senator Proffer moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 52 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Harris
Ashley	Hazlewood
Bell	Hudson
Bracewell	Jones
Bullock	Kelley of Hidalgo
Colson	Kelly of Tarrant
Corbin	Lane
Cousins	Lock
Hardeman	Martin

McDonald	Shofner
Moffett	Strauss
Moore	Taylor
Morris	Tynan
Phillips	Vick
Proffer	Weinert

Absent—Excused

Carney

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 52, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission containing 14.22 acres of land more or less, and being a part and parcel of the present campus of the North Texas State Teachers College at Denton, Texas, necessary for the relocation and improvement of U. S. Highway No. 77 from the west line of Avenue "D" to the east line of Avenue "I" in, and adjacent to, the City of Denton, Texas; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 52 on Third Reading

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

Senate Bill No. 87 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 87, A bill to be entitled "An Act authorizing the Commissioners' Court of Robertson County, Texas, to issue bonds to refund road and bridge scrip warrants outstanding at the time this Act becomes effective; prescribing the method of issuing such bonds; adopting the provisions of Articles 709 to 715, both inclusive, with reference to approval by the Attorney General and registration by the Comptroller; validating the warrants thus to be refunded; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 87 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 87 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Colson
Ashley	Corbin
Bell	Cousins
Bracewell	Hardeman
Bullock	Harris

Hazlewood	Moore
Hudson	Morris
Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Shofner
Lane	Strauss
Lock	Taylor
Martin	Tynan
McDonald	Vick
Moffett	Weinert

Absent—Excused

Carney

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

Senate Bill No. 156 on Second Reading

On motion of Senator Kelley of Hidalgo and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 156, A bill to be entitled "An Act creating and establishing Hidalgo County Road District Number 10 in Hidalgo County, Texas, under Article III, Section 52 of the Constitution of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds (2/3) vote of the property taxpaying voters voting at an election; prescribing the

method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 156 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 156 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

Bill Re-referred

On motion of Senator Hazlewood, S. B. No. 157 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Counties and County Boundaries.

Resolution Signed

The President pro tempore signed, in the presence of the Senate after giving due notice thereof, the following resolution:

H. C. R. No. 24, Granting each House permission to adjourn from Thursday, Feb. 10, 1949, until Monday, February 14, 1949.

Senate Bill No. 179 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 179, A bill to be entitled "An Act permitting the use of certain type seines for catching minnows for bait from the fresh waters of Guadalupe County, Texas, and making it unlawful to use such seines for the purpose of catching other fish; permitting the use of certain type seines for the purpose of catching suckers, buffalo, carp, shad or gar from said waters, and making it unlawful to

keep or have in possession certain other fish caught in such seines; providing for penalties; repealing conflicting laws; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 179 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 179 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

Adjournment

On motion of Senator Morris, the Senate at 12:25 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, February 14, 1949.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

In Memory of

Mr. W. A. Loving

The President pro tempore laid before the Senate for consideration at this time:

(House Concurrent Resolution 23)

Whereas, News has been received of the death of Mr. W. A. Loving in Waco, Texas, on February 8, 1949; and

Whereas, Mr. Loving was the beloved Uncle of the Honorable Neveille H. Colson, Senator from the Fifth District and former Member of the House of Representatives; and

Whereas, Mr. Loving was born in Tupelo, Mississippi, on August 29, 1869, and was an outstanding citizen of Waco and member of the Central Christian Church; and

Whereas, It is the desire of the Members of the Fifty-first Legislature to express their deepest sympathy to Mrs. Colson and the bereaved family in the passing of this esteemed gentleman; now, therefore, be it

Resolved, By the House of Representatives, the Senate concurring, That the Chief Clerk of the House be instructed to send copies of this Resolution to Mrs. Emma Loving, wife of the deceased; Mrs. W. J. Grissett, surviving daughter; Mrs. Vivienne Westmoreland, granddaughter; and Joan Westmoreland, great-granddaughter; and, be it further

Resolved, That a page of the House Journal of today be dedicated to the memory of Mr. W. A. Loving and that when the House adjourns today it do so in his memory.

The resolution was read and was adopted.